

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | Case No. 1:05-cr-154 |
| |) | |
| Plaintiff, |) | Judge Dan Aaron Polster |
| |) | |
| vs. |) | <u>OPINION AND ORDER</u> |
| |) | |
| ANTHONY L. ORR, |) | |
| |) | |
| Defendant. |) | |

Before the Court is Defendant Anthony Orr’s Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c), **ECF Doc. #: 157**. On March 15, 2006, Orr was sentenced to 168 months in the custody of the Bureau of Prisons (“BOP”) after he pled guilty to one count of Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine in violation of 21 U.S.C. § 846 and one count of Illegal Possession with Intent to Distribute Crack Cocaine. *See* ECF Doc #: 888. He was released from federal custody on July 18, 2016. *See* ECF Doc. #: 157 at 2; *See also Find an Inmate*, Federal Bureau of Prisons, <https://www.bop.gov/inmateloc/> (last visited Mar. 24, 2021). Orr is currently in state, not federal, custody at the Richland Correction Institution. *Id.* Therefore, the Court does not have the authority to release a state prisoner from state custody pursuant to the federal statute permitting compassionate releases, 18 U.S.C. § 3582(c). *See Stephenson v. Foy*, No. 20-CV-13105, 2021 U.S. Dist. LEXIS 13072, at *5 (E.D. Mich. Jan. 25, 2021) (“Section 3582(c) is a federal criminal statute. It allows a federal sentencing court to reduce a federal defendant’s sentence based on extraordinary and compelling reasons.”). The Court is unsure as to exactly whom Orr should direct his request since he is in state custody but leaves it to Orr to identify the correct state official.

Accordingly, the Court *sua sponte* **DENIES** Orr’s Motion for Compassionate

Release, **ECF Doc. #: 157.**

IT IS SO ORDERED.

/s/Dan A. Polster March 24, 2021
Dan Aaron Polster
United States District Judge